

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES

V.
MATT A. HAVEY

CRIMINAL NO. 04 10231 MLW 3

**MOTION OF DEFENDANT TO PRECLUDE THE GOVERNMENT'S
ATTORNEY FROM PRESENTING JENCKS ACT
MATERIAL TO THE DEFENDANT'S COUNSEL IN FRONT OF THE JURY**

The defendant in the above entitled matter moves this Honorable Court for an order to preclude the Government's attorney from presenting Jencks Act material to counsel for the defendant in front of the jury.

The defendant respectfully suggests to this Honorable Court that the Government's attorney should present said material to counsel for the defendant not in the view of the jury so that the jury does not get the idea that the Government is doing something for the defendant as well as prosecuting him. See *Gregory v. United States*, 369 F.2d 185 (D.C. Cir. 1966); *United States v. Gardin*, 382 F.2d 601 (2d Cir. 1967).

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument will assist the Court and requests a hearing on this motion. Local Rule 7.1 (D).

/s/Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: March 13, 2006

federal\F104

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES

V.
MATT A. HAVEY

CRIMINAL NO. 04 10231 MLW 3

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Victor A. Wild by mail which was e-filed this day.

/s/Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: March 13, 2006